

112TH CONGRESS
2D SESSION

H. R. 5902

To establish a Congressional Advisory Commission on the Implementation of United States Policy under the Taiwan Relations Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2012

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish a Congressional Advisory Commission on the Implementation of United States Policy under the Taiwan Relations Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS; PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Taiwan Relations Act (Public Law 96–
6 8; 22 U.S.C. 3301 et seq.), enacted in 1979, has
7 continued for 33 years to be the cornerstone of
8 United States–Taiwan relations and has served as
9 an anchor for peace and security in the Western Pa-
10 cific region.

1 (2) The Taiwan Relations Act declares that it
2 is the policy of the United States—

3 (A) to preserve and promote extensive,
4 close, and friendly commercial, cultural, and
5 other relations between the people of the United
6 States and the people on Taiwan, as well as the
7 people on the China mainland and all other peo-
8 ples of the Western Pacific area;

9 (B) to declare that peace and stability in
10 the area are in the political, security, and eco-
11 nomic interests of the United States, and are
12 matters of international concern;

13 (C) to make clear that the United States
14 decision to establish diplomatic relations with
15 the People's Republic of China rests upon the
16 expectation that the future of Taiwan will be
17 determined by peaceful means;

18 (D) to consider any effort to determine the
19 future of Taiwan by other than peaceful means,
20 including by boycotts or embargoes, a threat to
21 the peace and security of the Western Pacific
22 area and of grave concern to the United States;

23 (E) to provide Taiwan with arms of a de-
24 fensive character; and

(F) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

23 (5) The future of Taiwan must be determined
24 in a peaceful manner and with the assent of the peo-
25 ple of Taiwan.

1 (6) The anti-secession law, passed by the Na-
2 tional People's Congress of the People's Republic of
3 China, was found by House Concurrent Resolution
4 98, passed in the House of Representatives on
5 March 16, 2005, "to provide a legal justification for
6 the use of force against Taiwan, altering the status
7 quo in the region, and thus is of grave concern to
8 the United States.”.

9 (7) The 2011 Department of Defense's Annual
10 Report to Congress on "Military and Security Devel-
11 opments Involving the People's Republic of China" noted that the People's Liberation Army "seeks the
12 capability to deter Taiwan independence and influ-
13 ence Taiwan to settle the dispute on Beijing's
14 terms" while "developing capabilities intended to
15 deter, delay, or deny possible U.S. support for the
16 island in the event of conflict. The balance of cross-
17 Strait military forces and capabilities continues to
18 shift in the mainland's favor." The report also
19 states the PLA has deployed between 1,000 and
20 1,200 short-range ballistic missiles (SRBM) to units
21 opposite Taiwan.

23 (8) The United States has sought diplomatically
24 to preserve Taiwan's international space, and has
25 sought to secure Taiwan's meaningful participation

1 in such international organizations as the World
2 Health Organization (WHO).

3 (9) The total value of trade between the United
4 States and Taiwan in 2011 was approximately
5 67,200,000,000, and Taiwan ranked as the 10th
6 largest trading partner of the United States.

7 (10) Given that the Taiwan Relations Act
8 states that it is the policy of the United States to
9 “preserve and promote extensive, close, and friendly
10 commercial, cultural, and other relations between
11 the people of the United States and the people on
12 Taiwan,” it is in the economic interests of the
13 United States and the national security interests of
14 Taiwan for our two peoples to further strengthen
15 their trade and investment ties.

16 (b) PURPOSE.—The purpose of this Act is to estab-
17 lish a commission to review and report to Congress on the
18 implementation of the Taiwan Relations Act and on
19 United States policy in regard to Taiwan since 2000.

20 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

21 There is established in the legislative branch the Con-
22 gressional Advisory Commission on the Implementation of
23 United States Policy under the Taiwan Relations Act.

24 **SEC. 3. DUTIES.**

25 The Commission shall—

1 (1) assess the sufficiency of defense articles and
2 services made available to Taiwan by the United
3 States for the purpose of maintaining Taiwan's self-
4 defense capability, including whether Taiwan's air
5 and air defense forces retain the ability to effectively
6 defend Taiwan against the ballistic missile and air
7 threats posed by the People's Republic of China;

8 (2) review the operational planning, policy re-
9 views, and other preparations of the United States
10 since 2000 to implement section 2(b)(6) and sub-
11 sections (a), (b), and (c) of section 3 of the Taiwan
12 Relations Act, and evaluate the compliance of these
13 processes with the requirements of section 3(2) of
14 the Taiwan Relations Act and the Six Assurances
15 provided to Taiwan in July 1982;

16 (3) identify current and potential threats to the
17 security, social, or economic system of the people on
18 Taiwan, and assess the extent to which the United
19 States retains the capability to resist any resort to
20 force or other forms of coercion that would jeop-
21 ardize the security, social, or economic system, of
22 the people on Taiwan;

23 (4) evaluate the sufficiency and effectiveness of
24 measures undertaken by the United States since
25 2000 to continue and promote extensive commercial,

1 cultural, and other relations between the people of
2 the United States and the people on Taiwan, and
3 recommend future steps for strengthening trade and
4 investment ties with Taiwan in furtherance of the
5 United States national economic and security inter-
6 ests;

7 (5) review the measures undertaken by the
8 United States since 2000 with regard to the preser-
9 vation and enhancement of the human rights of all
10 the people on Taiwan, including the strengthening of
11 democratic governance and rule of law in accordance
12 with section 2(3) of the Taiwan Relations Act;

13 (6) identify and recommend available United
14 States policy options to assist Taiwan in broadening
15 its international space, including Taiwan's ability to
16 participate meaningfully in the World Health Orga-
17 nization and other international organizations, and
18 to ensure that the future of Taiwan will be deter-
19 mined by peaceful means, taking into account the
20 forms and effectiveness of any coercive strategies
21 undertaken by the People's Republic of China to un-
22 dermine Taiwan's freedom of action; and

23 (7) make findings and recommendations on
24 available policy options for the United States to ad-
25 vance toward a normalization of the relationship

1 with the Government of Taiwan, including the desir-
2 ability of such measures as the resumption of visits
3 by cabinet-level officials between the United States
4 and Taiwan and requiring the advice and consent of
5 the Senate for the individual appointed by the Presi-
6 dent to serve as the Director of the American Insti-
7 tute in Taiwan.

8 **SEC. 4. COMPOSITION.**

9 (a) MEMBERS.—The Commission shall be composed
10 of five members, of whom—

11 (1) one member shall be appointed by the
12 President;

13 (2) one member shall be appointed by the ma-
14 jority leader of the Senate;

15 (3) one member shall be appointed by the
16 Speaker of the House of Representatives;

17 (4) one member shall be appointed by the mi-
18 nority leader of the Senate; and

19 (5) one member shall be appointed by the mi-
20 nority leader of the House of Representatives.

21 (b) DEADLINE FOR APPOINTMENT.—All members of
22 the Commission should be appointed within 90 days after
23 the date of enactment of this Act.

24 (c) QUALIFICATIONS.—

1 (1) IN GENERAL.—All members of the Commis-
2 sion shall be persons who are especially qualified to
3 serve on the Commission by virtue of their edu-
4 cation, training, or experience in the field of foreign
5 policy, national security, military affairs, or East
6 Asian polities.

7 (2) POLITICAL PARTY AFFILIATION.—Not more
8 than three members of the Commission may be
9 members of or affiliated with the same political
10 party.

11 (d) CHAIRPERSON.—The Commission shall select a
12 Chairperson from among its members.

13 (e) VACANCIES.—If a vacancy occurs in the member-
14 ship of the Commission, it shall be filled in the manner
15 in which the original appointment was made.

16 **SEC. 5. PROCEEDINGS.**

17 (a) MEETINGS.—The Commission shall hold its first
18 meeting not later than 120 days after the enactment of
19 this Act, and shall meet thereafter at the call of the chair-
20 person or a majority of its members. Three members of
21 the commission shall constitute a quorum.

22 (b) HEARINGS.—

23 (1) IN GENERAL.—The Commission may, for
24 the purposes of carrying out this Act, hold hearings,
25 sit and act at such times and places, request the at-

1 tendance of witnesses and take testimony from such
2 witnesses, and receive evidence as the Commission
3 considers appropriate.

4 (2) AVAILABILITY TO PUBLIC.—The Commis-
5 sion should conduct its hearings in public to the ex-
6 tent that the Commission considers it appropriate.

7 (c) CONSIDERATION AND USE OF EXISTING STUD-
8 IES.—In carrying out its duties, the Commission shall con-
9 sider and use, to the extent it deems appropriate, any
10 studies that have been conducted by other entities on the
11 subjects described in section 3 so as to avoid unnecessary
12 duplication.

13 **SEC. 6. STAFF.**

14 The Commission is authorized to hire staff to assist
15 the Commission in carrying out its duties.

16 **SEC. 7. REPORT.**

17 Not later than 1 year after the date of the Commis-
18 sion's first meeting, the Commission shall submit to Con-
19 gress a report in writing containing the findings and con-
20 clusions of the Commission and agreed to by a majority
21 of the members of the Commission, including any rec-
22 ommendations the Commission finds necessary to improve
23 implementation of United States policy under the Taiwan
24 Relations Act.

1 SEC. 8. TERMINATION.

2 (a) IN GENERAL.—The Commission, and all of its
3 authorities under this Act, shall terminate 60 days after
4 the date on which the report is submitted to Congress
5 under section 7.

6 (b) CONCLUSION OF ACTIVITIES.—The Commission
7 may use the 60-day period referred to in subsection (a)
8 for the purpose of concluding its activities, including pro-
9 viding testimony to committees of Congress and dissemi-
10 nating its report to the public.

11 SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

12 There is authorized to be appropriated for fiscal year
13 2013 \$500,000 to carry out this Act.

